



MINUTES

**CITY OF SCOTTSDALE POLICE LOCAL BOARD OF THE
PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM (PSPRS)
REGULAR MEETING
11:00 a.m., Thursday, February 21, 2013
Police and Fire Department Headquarters—Operations Room
8401 E. Indian School Road
Scottsdale, Arizona 85251**

PRESENT: Jack Cross, Chairman/Mayoral Designee
Velicia McMillan Humes, Citizen Member/Merit Head
Jeffrey Walther, Elected Member

ABSENT: Jeffrey Burg, Citizen Member
James Butera, Elected Member

STAFF: Ken Nemec

OTHERS: Hannah Auckland, Esq.
Police Officer Wendy Hubele (via telephone)

Call to order

Chairman Cross called the meeting to order at 11:01 a.m. He stated that the first order of business was the acknowledgement of Board Members Burg and Butera's excused absences.

Roll call

A formal roll call confirmed the members present as stated above.

Possible Executive Session

Executive Session may occur at any time during this meeting.

- 1. Review and approval of regular session meeting minutes—January 17, 2013**

**BOARD MEMBER WALTHER MOVED TO APPROVE THE REGULAR MEETING
MINUTES OF THE JANUARY 17, 2013 PSPRS POLICE LOCAL BOARD**

MEETING AS PRESENTED. BOARD MEMBER MCMILLAN HUMES SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF THREE (3) TO ZERO (0). BOARD MEMBERS BURG AND BUTERA WERE ABSENT.

2. Induction of new Scottsdale police officers into PSPRS

Mr. Nemec confirmed that there were no new Scottsdale police officers to induct into the PSPRS at this time.

3. Discussion and vote on the Accidental Disability Retirement application of Police Officer Wendy Hubele

Ms. Auckland said that as Police Officer Wendy Hubele did not sign the waiver of confidentiality, all discussions of medical information must occur in executive session.

The consensus of the Board was to have Police Officer Hubele available by telephone during executive session.

CLOSED PUBLIC HEARING (Executive Session occurred 11:05 a.m. to 11:12 a.m.)

Motion to recess into executive session for a discussion on the Accidental Disability Retirement application of Police Officer Wendy Hubele

BOARD MEMBER WALTHER MOVED TO ADJOURN INTO EXECUTIVE SESSION TO DISCUSS THE ACCIDENTAL DISABILITY RETIREMENT APPLICATION OF POLICE OFFICER WENDY HUBELE. BOARD MEMBER MCMILLAN HUMES SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF THREE (3) TO ZERO (0). BOARD MEMBERS BURG AND BUTERA WERE ABSENT.

RECONVENE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM MEETING FOLLOWING EXECUTIVE SESSION

Chairman Cross confirmed that the Board must decide whether or not to send Police Officer Hubele for an IME.

Board Member McMillan Humes made a motion to approve the issuance of an independent medical examination, and the motion died due to the lack of a second.

Board Member Walther recalled that the Board based their previous decision not to send Police Officer Hubele for an IME upon their review of numerous medical reports from various doctors who concurred that her injury was the result of a pre-existing condition. He stated that there was no new medical information from the doctor in Indiana contradicting the previous IME reports.

Board Member Walther made a motion to not move forward with an independent medical examination, and the motion died due to the lack of a second.

Board Member McMillan Humes recalled that she was not in agreement with the Board's previous decision to not send the applicant for an IME. She opined that the incident where the Applicant fell on the ground was the cause of the trauma to her wrist.

Chairman Cross concurred with Board Member McMillan Humes' desire to send the applicant for an IME to ensure that the Board has obtained all necessary medical documentation before making its final decision on Police Officer Hubele's application.

BOARD MEMBER MCMILLAN HUMES MOVED TO APPROVE THE ISSUANCE OF AN INDEPENDENT MEDICAL EXAMINATION THROUGH ONE OF THE BOARD'S CONTRACTED MEDICAL PROVIDERS FOR THE APPOINTMENT OF A MEDICAL SPECIALIST TO SERVE AS THE MEDICAL BOARD FOR THE APPLICATION OF POLICE OFFICER WENDY HUBELE. BOARD MEMBER WALTHER SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF TWO (2) TO ONE (1), WITH BOARD MEMBER WALTHER DISSENTING. BOARD MEMBERS BURG AND BUTERA WERE ABSENT.

In response to Chairman Cross' comment that the State Board has confirmed that two to one votes are acceptable, Ms. Auckland stated that it is preferable to have a three-person vote, even though the State Board has accepted a two to one vote in prior cases.

In response to Police Officer Hubele's inquiry regarding whether they could request additional tests or MRI's be completed during the IME, Chairman Cross stated that it was up to the IME physician to decide what testing was necessary based on the medical evidence she provides to him.

Ms. Auckland stated that the Board did have the ability to make such a request of the IME physician. Chairman Cross recommended that the Applicant obtain her own MRI, noting that it was her responsibility to present her case to the IME physician.

Mr. Nemec explained that Ms. Washington would be in contact with the Applicant regarding the scheduling of the IME once she returns to the office on Monday.

Discussion ensued regarding whether it was possible to schedule an IME with a hand specialist in Indiana through one of the five companies the Board contracts with, rather than incurring the cost to fly the Applicant to Arizona in order to complete an IME here.

Ms. Auckland confirmed that the statute requires the Board to be responsible for all costs associated with an IME should they decide to select a physician within Arizona, noting that the Applicant could request reimbursement by the Board for the flight to and from Arizona.

Chairman Cross suggested that staff research whether there was a specialist within Arizona available to complete the IME before considering one in Indiana, pointing out that an out of state physician may be more expensive than flying the Applicant to Arizona to see a physician here.

4. Discussion with Local Board Attorney of the method by which service transfer amounts are calculated by PSPRS

Ms. Auckland presented copies of the memo she prepared on how the actuarial valuation of PSPRS members are calculated during the transfer of prior service credits.

CLOSED PUBLIC HEARING (Executive Session occurred 11:26 a.m. to 11:34 a.m.)

Motion to recess into executive session for a discussion of the method by which service transfer amounts are calculated by PSPRS

BOARD MEMBER WALTHER MOVED TO ADJOURN INTO EXECUTIVE SESSION TO DISCUSS THE METHOD BY WHICH SERVICE TRANSFER AMOUNTS ARE CALCULATED BY PSPRS. BOARD MEMBER MCMILLAN HUMES SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF THREE (3) TO ZERO (0). BOARD MEMBERS BURG AND BUTERA WERE ABSENT.

RECONVENE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM MEETING FOLLOWING EXECUTIVE SESSION

Ms. Auckland agreed to create a packet of information on this matter including her memo, the appendix, and other reports and email the information to Mr. Nemec for distribution to the Board.

5. Report to the Board on recently completed transfers of prior service credits

Chairman Cross confirmed that there were no transfers of prior service credits to report at this time.

6. Board suggestions for upcoming agenda items

Chairman Cross confirmed that there were no suggestions for upcoming agenda items.

ADJOURNMENT

With no further business to discuss, being duly moved and seconded, the meeting adjourned at 11:35 a.m.

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Respectfully Submitted by:

REVIEWED BY:

Ken Nemec
PSPRS Police Local Board Secretary

Jack Cross
PSPRS Chairman/Mayoral Designee